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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday, 6:30 pm  
September 14, 2021

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting: Councilman Hawkins, Councilman Grimes, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Attorney Charles Finkenbinder, City Clerk Michael Garrett. Councilman Pruitt was not present.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett, City Clerk**

**Minutes: August 24, 2021**

Councilwoman Isby motioned to approve the **August 24, 2021** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**Report of Standing Committees:**

**A. Public Hearing**

**1. Public hearing to discuss the closure of a utility easement on lots 17 and 5-B at the crossing at Audubon.**

Mayor Castleberry opened the public hearing. The applicant, Bill Atkisson addressed the Council stating that the easement involved has never been used and presented documentation from all utilities stating no objection to the closing of the easement. There was no one else present to speak for or against the matter. Mayor Castleberry closed the public hearing.

**a. Ordinance to approve the closing of a portion of a utility easement on lots 17 and 5-B at the crossing at Audubon.**

**O-21-91**

Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, and Councilwoman Isby. The Ordinance passed 7-0.

**B. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)**

**1. Resolution to approve the issue of hospital revenue refunding bonds for the Health Facilities Board.**

**R-21-73**

Councilman Hawkins presented Item B1 to the Council. Gordon Wilbourn of Kutak Rock addressed the Council stating that the Health Facilities Board met and approved the issuance of the bonds and asked the Council to ratify the action. He explained that this issuance will allow the hospital to refinance some existing debt. Councilwoman Smith made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called for and the Resolution passed 7-0.

**2. Resolution to appropriate funds for a matching grant for the Tiny Toads Public Arts Project for the Public Art Board.**

**R-21-74**

Councilman Hawkins presented Item B2 to the Council. James Walden, Director of Planning & Development addressed the Council. He said that this is a grant opportunity through the Department of Arkansas Heritage, and the Downtown Conway Partnership as a member, was able to apply for. He said it is a \$10,000 grant with a \$10,000 match. He explained that the Tiny Toads Project has already received a second grant

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from the Arkansas Historic Preservation Program to develop a brochure to identify key properties in downtown Conway with the intent of interpreting the history of the structures. He added that the present grant is a second part of the project, which will enable the creation of an art scavenger hunt. He said that the matching \$10,000 would come from the Public Art funds. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called for and the Resolution passed 7-0.

**3. Resolution authorizing the City to obtain a matching grant from FEMA and the Arkansas Department of Emergency Management for Centennial Creek Drainage for the Transportation Department.**

**R-21-75**

Councilman Hawkins presented Item B3 to the Council. Finley Vinson addressed the Council stating that a solution to the drainage problem in this area has been sought for years. He said that one of the problems is that the wooded area that the creek drains through is a protected area which limits what can be done there. He told them that this grant is applying only for the engineering and engaging a specialized firm to come up with a viable solution. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called for and the Resolution passed 7-0.

**4. Ordinance to authorize the addition of one Construction Inspector position for the Transportation Department.**

**O-21-92**

Councilman Hawkins presented Item B4 to the Council. Finley Vinson addressed the Council explaining the need for a Construction Inspector position due to upcoming changes in the Transportation Department. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Smith made a motion to adopt the Ordinance with the emergency clause and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Ledbetter, Councilman Jones, Councilwoman Isby and Councilman Hawkins. The Ordinance with the emergency clause passed 7-0.

**5. Consideration to approve a contract with Cox McLain Environmental Consulting (CMEC) to handle the resurvey of the Conway Commercial Historic District.**

Councilman Hawkins presented Item B5 to the Council. James Walden addressed the Council stating that the RFQ had been approved by Council previously and asked them to approve the contract with Cox McLain to do the resurvey work with the intent of taking it from a national registry district to a local district to prevent demolition of structures. Councilman Hawkins asked the if the district would be increased with this survey and Mr. Walden answered that the only way it would be expanded would be if someone had a structure that they wanted included. Councilwoman Smith made a motion to approve the consideration and Councilwoman Isby seconded it. The motion carried 7-0.

**6. Ordinance to authorize changes within the Planning & Development Department and Permits & Inspections.**

**O-21-93**

Councilman Hawkins presented Item B6 to the Council. James Walden told the Council that one of the actions of this Ordinance is the creation of an additional Permits Technician position, due to the necessity of there being two people handling the duties related to that department. He explained the job title changes to the Council and future changes in the structure of the Planning & Development Department to create positions for employees to advance based on education and experience. He added that the department has salary savings from other positions that were not filled. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilwoman Smith, Councilwoman Isby, Councilman Jones, Councilwoman Mehl and Councilman Hawkins. The Ordinance with the emergency clause passed 7-0.

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**7. Ordinance to amend the Conway Zoning Code concerning Short Term Rentals for Transient Occupation.  
O-21-94**

Councilman Hawkins presented Item B7 to the Council. James Walden addressed the Council stating that this item was tabled from the previous meeting to give the Council more time to review the matter. He said there was a public hearing at the Planning Commission meeting. He added that these regulations are very light touch and would provide the City with basic information and address the issues that have arisen in the community related to short term rentals. He summed up that the intent of this action is to get the properties registered, inspected, and assigned to a local property manager to each property to address issues as they arise. Councilwoman Mehl asked how the properties would be identified and registered and Mr. Walden explained that there are companies that provide lists of Airbnbs and BRBOs in the City and that we would obtain one of those lists to contact the property owners. Jim Dunbar was present to address the Council and expressed his concerns over rental properties in his neighborhood and some of the issues they have had. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Grimes, Councilwoman Smith, Councilman Ledbetter, and Councilman Hawkins. The Ordinance passed 7-0.

**C. Public Service Committee (Physical Plant, Parks & Recreation, & Sanitation)**

**1. Consideration to approve the disposal of assets for the Physical Plant.**

Mayor Castleberry presented Item C1 to the Council. Spencer Clawson addressed the Council stating that the department had a number of items which were no longer in service and asked for approval to dispose of them. Councilwoman Smith made a motion to approve the consideration and Councilwoman Isby seconded it. The motion carried 7-0.

**D. Public Safety Committee (District Court, Department of Information Systems & Technology, Animal Welfare, CEOC (Communication Emergency Operations Center), Police, Fire, & Office of the City Attorney)**

**1. Ordinance appropriating funds for Station #3 building for the Conway Fire Department.**

This item was tabled until the next meeting.

**2. Ordinance appropriating funds to replenish the overtime expense account for the Conway Fire Department.**

**O-21-95**

Mayor Castleberry presented Item D2 to the Council. Chief Mike Winter addressed the Council stating that the department has depleted their overtime accounts mostly related to Covid-19. Mayor Castleberry asked Tyler Winningham if this was something that rescue money could be used for. He said he thought it could, and would need to be identified in the comprehensive plan. He added that responding to the pandemic is what the rescue funds are designated for, and that the City has received the first round of rescue funds. He clarified that the money could be appropriated from the General Fund now and reimbursed with rescue funds when they become available. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Isby, Councilman Jones, Councilwoman Smith, and Councilwoman Mehl. The Ordinance with the emergency clause passed 7-0.

**3. Ordinance appropriating funds to replenish the overtime and fuel budget for the Conway Police Department.**

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### **O-21-96**

Mayor Castleberry presented Item D3 to the Council. Chief Tapley addressed the Council stating that their overtime account has been depleted and asked them to approve the appropriation of funds. He also explained that this ordinance included \$50,000 in overtime funds for the Shop Secure Program, as well as \$50,000 to replenish the department's fuel account. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilwoman Isby, Councilwoman Mehl, Councilman Hawkins, Councilwoman Smith, and Councilman Jones. The Ordinance with the emergency clause passed 7-0.

#### **4. Ordinance Appropriating asset forfeiture funds for the Conway Police Department.**

### **O-21-97**

Mayor Castleberry presented Item D4 to the Council. Chief Tapley asked the Council to approve the use of asset forfeiture funds to refresh the department's firearms, which they do every 5 years or so, the last purchase occurring in 2016. He said they have the opportunity right now to trade in the firearms along with some additional seized firearms to purchase the new ones, which would leave a balance of \$18,173.90. Chief Tapley also told the Council that his department has been relying upon other places to allow them to use their facilities for testing which sometimes causes scheduling conflicts. He added that the physical abilities testing equipment would allow the department to be more efficient in their testing procedures and included the test administrator course for 10 individuals. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilwoman Mehl, Councilwoman Isby, Councilman Hawkins, Councilman Jones, Councilman Ledbetter, and Councilman Grimes. The Ordinance passed 7-0.

#### **5. Ordinance appropriating reimbursements funds from various entities for the Conway Police Department.**

### **O-21-98**

Mayor Castleberry presented Item D5 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilman Jones seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilman Hawkins, and Councilwoman Isby. The Ordinance passed 7-0.

#### **6. Ordinance to waive the bids for the purchase of physical abilities testing equipment for the Conway Police Department.**

### **O-21-99**

Mayor Castleberry presented Item D6 to the Council. Chief Tapley explained that LEPAT is the sole source provider for these particular physical abilities testing and equipment and asked the Council to waive the bid process. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith and Councilman Hawkins. The Ordinance passed 7-0.

#### **E. Old Business**

##### **1. Resolution authorizing the Mayor to enter into an agreement to acquire property located at 1203 N. Museum Road for the relocation of District Court.**

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The Council discussed fund balances and several imminent projects that would require substantial investment of funds. Retired Judge Charles Clawson addressed the Council expressing his encouragement to consider the Resolution. The Council agreed that relocating District Court was a priority to be revisited as soon as possible but that other more critical projects requiring City funds should take precedence. There was no motion and no action taken.

**2. Resolution authorizing the Mayor to enter into a real estate contract to acquire property located at 450 Corporate Drive for the future Community Center & Aquatic Facility.**

**R-21-76**

Mayor Castleberry presented Item E2 to the Council and clarified that this action is *pending the outcome of the bond issue* which will go to the public later in the year. He added that the plan is to bring the matter before the Council in October and ready to have it go to the public on December 14<sup>th</sup>, 2021. Councilwoman Isby reminded the Council of several public meetings scheduled for citizens to give input on the Center. The meetings will take place at the Expo Center. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called for and the Resolution passed 7-0.

**Adjournment-----**

*PASSED this 14<sup>th</sup> day of September 2021*

**APPROVED:**

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*Mayor Bart Castleberry*

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*City Clerk Michael O. Garrett*